

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

March 17, 2011

**5:30 P.M.**

**MINUTES**

**Present:** Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** Mayor Kasprzak

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on March 10, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Jackson; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 16, 2011 in the amount of \$ 257,538.79 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of March 10 – March 16, 2011
- Report from the Building Inspector's Office from January 26 – March 14, 2011
- Statement from the City Clerk's Office of all monies received during the month of February 2011 in the total amount of \$13,936.35.

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Case; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council in the amount of **\$1,220,746.08** are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Jackson

**Councilor Calnon** said I would like to point out to everyone that \$900,000 of that is our electric bill.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**Andrew Golt, 17 Couch Street** said I'm disappointed with the issue of snow clearing on the sidewalks in the city. It's an issue I've brought up a couple times in speak out. Where do we go with it? The city's got a snow clearing machine I've noticed an articulated fancy probably \$100,000 machine that's used on the streets, occasionally a couple of sidewalks like on Broad Street across the bridge. But, what do we do, I've got to call the Building Inspector's sometimes 10, 15, 20 times because there's landlords. I've had a discussion with the Mayor last year and he brought up the subject of little old ladies not being able to clear there sidewalk. When in fact I've got an 80 year old tenant shovels part of my sidewalk voluntarily. Its absentee landlords, there's dentist office, lawyers office, doctor's offices that snow hasn't been cleared. The guys come along in the plow truck and maybe the tenant has cleared a narrow path and the plow truck plows a huge snow bank. There's a bank around the corner from me that their sidewalk is completely blocked by the neighbor's snow plow. So I called the inspector and he says well it's the banks responsibility. But it's the neighbor blocking the sidewalk just leave it blocked and people gotta walk in the street. My house is on Couch Street and I used my neighbor's snow blower, because mine hasn't worked in a couple of years, I've just been shoveling by hand. I walked it around the block over to North Catherine to Broad Street and there's a couple of absentee landlord's that the tenants had shoveled because the walk you could see was crooked. They walked through it and just shoveled a little bit. But I cleared some of the snow; I could do it, anybody that's living in an absentee landlord neighborhood. There's no responsibility, the landlord doesn't really care and is not being held accountable. But, do I have to go and clear these paths for people so that people don't have to walk in the street. I don't think anybody here can say that they haven't seen people walking in the street to get around these blocked sidewalks. And now I've been instructed by the Building Inspector's office that they're not accepting anonymous complaints. If I call in my neighbor, I don't want them to let them know it's me. But the sidewalks got to be cleared, why does it have to be a citizen's job. I've talked to other people as well. They have to call their neighbors and say listen do you mind getting over here and clearing your sidewalk. The snow storm happened on Saturday, I cleared my walkway Monday because I don't have a snow blower, mine broke a couple of years ago, and I'm shoveling by hand the snow fall was incredible. But I don't own just one or two houses; I own hundreds and hundreds of

feet of sidewalk. My wife and I shoveled it ourselves. I plow my own, shovel my own, snow blow my own. There's some landlords that have one or two or three properties they do nothing. I need an answer from the city, I need someone to come on the citizen's side and that wants to walk. Why do citizens have to be calling in repeatedly bothering the building inspector so he has to call the landlord wait 8 or 12 or 24 hours. There's lawyers offices that aren't plowed sidewalks aren't. We're 10 days after the storm now 12, 13 days. Snow banks are still this high it's been frosting for a week now. I would drive around with anybody here. I would drive around I'm not going to mention names here because it's just not a cool thing to do. I've got skeletons in my closet, I'm sure. But I would drive around with anybody here mark down some addresses. I'd knock on doors and see who the landlord is. But there's a few homeowners too. South Catherine blocked. I tried to walk there with my wife down to Stewart's from Broad Street to the Perry Bridge and there's some single family homeowners that have not cleared there snow and you're walking through their lawn because the snow has melted more on the lawn. I've heard the argument the city plows back over the top but there some people that have cleared it, probably half, three-quarters have cleared it but a quarter of the people haven't cleared their sidewalks. The Building Inspector informed me that it's not a fine it's a fee so after the snow period has ended, 12 hours 24 hours goes by the Building Inspector has to receive a complaint, call the homeowner and then give them 8 hours and then send a city crew over. The city crew hasn't got time to deal with this there needs to be a fine in place. When cars are parked when there is a snow ban they're towed immediately. The snow ban starts at 2 am the tow trucks are out there at 2 am getting their \$75 or \$100 and the sidewalks are untouched. A week goes by 10 days go by. I wonder it it's because I've called in so many complaints to the Building Inspectors office that they won't accept anonymous complaints. He knows it's me calling I tell them who I am but he doesn't want to write up an anonymous complaint. How do I turn in my neighbor, repeatedly, when they've got the problem not me? One may call me the whistle blower that I've got the problem, but, I think they've got the problem and I don't want to have to be the one doing it. Like I said I'll drive around with anybody here, my gas, my expense, my time. I left work early; I could work till 9 o'clock tonight maintaining my apartments. I could've worked late, I came here, I ran here actually, physically ran to get here on time. I need an answer; I need the sidewalks to be kept clear it's just not fair to have people walking in the streets. When the streets are beautifully maintained with \$100,000 trucks. Like I said if anybody wants to come and see me, maybe I'll look you guys up. I'm not going to let it rest. I want the city sidewalks cleared or a machine bought and have it done or something. I don't feel that I have to go up and down. I drove my snow blower from Jay Street and Hamilton, the neighbor's snow blower, because I don't have one mines broken. I drove the neighbor's snow blower one block all the way to Macdonough Street because I had to get their to do my other apartment building. Should I just go on the street because it's easier? No, I just snow blowed all my neighbors they hadn't done it, they hadn't gotten to it yet. Anybody wants to come and see me I'd be more than happy to drive around and put down the addresses and knock on these peoples doors or fine them or create a new schedule for the city a new itinerary to have the city fine people immediately. Landlord's that are just neglecting it and getting away with it.

**John Middleton, 63 Maine Rd** said I'm here just to answer questions. I'm here representing the Apostles for Life tonight.

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## **7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves 2011 Street Drives.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves Apostles for Life to use 4 parking spaces in front of 66 Brinkerhoff Street, Friday, April 22, 2011 from 9:30 a.m. to 12:00 p.m. for a prayer service with approximately 200 pedestrians.

By Councilor Jackson; Seconded by Councilor Case

Discussion:

**Councilor Tiffer** said can I ask a question, why specifically do you need to use those 4 parking spaces to do your prayer vigil.

**John Middleton** representing **Apostles for Life** said those are the parking spaces immediately in front of places we are praying about and praying for.

**Councilor Tiffer** said do you think it's a proper venue on the street in terms of safety.

**John Middleton** representing **Apostles for Life** said yes we do, we have been doing this there for about 10 years.

**Councilor Jackson** said if you want a little background because I've been here. Basically, they get the 4 spots there are barricades put up. It's because of the volume of the people. We want to be able to have access on the sidewalk and that's why we give them 4 parking spots.

**Councilor Tiffer** said so not to block the sidewalk.

**Councilor Jackson** said exactly because of the number of people it gives them a spot to stand.

**Councilor Carpenter** said they can't legally stand in the sidewalk they have to by law be moved off of the sidewalk and they're going to stand a pray for several hours.

**Councilor Jackson** said an hour and a half usually. But, that's why it's the 4 parking spots because it's the number of people and the fact that they can't block the sidewalk.

**Councilor Rabideau** said this is a very difficult one for me because I have voted for parking spots that were on City Hall Place were being used parking spots for a dining area over here on City Hall

and I voted against that. And because of that in the past years I have felt somewhat concerned about parking spaces and so forth. But, over the last many years I have seen your group there, there hasn't been any problems and I know I have made myself clear in the past as to voting in the past no. And I'm probably going to get some heat for voting yes, but, it's always bothered me when we come up with this vote. And it's mainly because of my voting on City Hall Place and my belief that those parking spaces could be utilized throughout the summer. But you're using this for 2 hours and I'm looking at the past years, I'm looking at recommendations in the past years. There hasn't been any problems there and believe it or not I'm changing my mind and voting yes tonight. I think I have a right to do that. It's a difficult decision not because of your group it's because of the other situations. But, I also intend probably if it comes up again and the dining is on City Hall I probably will vote no because it is all summer long and taking up those spots all summer long and I just wanted to make myself clear before we vote.

**Councilor Tiffer** said I thought about it for awhile. I spoke to a few people about this. This has nothing to do with the message that your organization is giving, I just don't think that's the proper venue. I would support it at Trinity Park; I would support it at the monument, I would support it somewhere more appropriate as opposed to in front of that medical facility. It has nothing to do with your freedom of speech. I understand that you're allowed to convey your views and I just can't support it.

**Councilor Calnon** said I'd like to point out that I've been a fairly visible person in this discussion over the last few years as well. I frankly think it is all about freedom of speech. Frankly, the Apostles for Life organization has, as George points out, been a very well behaved and positive group. Some of the folks who protest there on a regular basis are less honorable then this group is I think and I know some of them will be in attendance at this event as well. I'd love to be able to say no you guys are bad. But keep in mind that the Supreme Court just told the rather nasty Fred Phelps group that they can protest at funerals which I think is disgusting. But it's a freedom of speech issue and so while I have absolutely no problem with the Apostles for Life and what other concerns I have about individuals I feel I have to support this because it is a freedom of speech issue. It is about these folks if they choose to exercise their speech in prayer I believe that's their right to do. That's my take on all this.

**Councilor Tiffer** said I'm actually glad you brought up the Supreme Court case. They specifically said the reason why they allowed Phelps to protest at funerals is because he is neither in sight or within the vicinity of the actual funeral he was over 1000 feet away. That is exactly what I was saying; I have no problem with your message that's not my problem it's just where you want to locate. That's how I'm supporting my vote.

**Councilor Calnon** said but by the same token when Phelps was here, spreading his hateful message, we gave him specific spots in very visible parts of the city to speak from and said you must speak from these issues and this is analogous to that in my mind. Two ways to look at the same issue.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(Councilors Carpenter, Rabideau, Calnon, Case and Jackson voted in the affirmative. Councilor Tiffer voted in the negative)

**ACTION TAKEN:** Adopted  
**Follow up Action:** None

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**C. 2011 NYS Main Street Grant Application:**

**WHEREAS**, the NYS Housing Trust Fund Corporation is making available funding for the 2011 NY Main Street (NYMS) Program, and

**WHEREAS**, the City of Plattsburgh is interested in submitting an application; and,

**WHEREAS**, the proposed service area is located at Margaret Street and City Hall Place between Bridge Street and Trinity Place, including the intersection of Margaret Street and Protection Avenue, and

**WHEREAS**, the proposed funding will assist in façade and building improvements to downtown “main street” buildings and streetscape enhancements, and

**WHEREAS**, the City of Plattsburgh is in support of the proposed projects to be included in the funding application, therefore be it

**RESOLVED**, that the City of Plattsburgh supports the grant application to procure \$500,000 in funding through its NY Main Street Program application for main street/downtown revitalization efforts; and that the Common Council authorizes the Mayor to sign and submit said 2011 NY Main Street grant application.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted  
**Follow up Action:** None

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**D. 2011 NYS Main Street Funding:**

**WHEREAS**, the NYS Housing Trust Fund Corporation is making available funding for the 2011 NY Main Street (NYMS) Program, and

**WHEREAS**, the City of Plattsburgh, a municipality, has resolved to apply for New York Main Street funding, and

**WHEREAS**, the proposed service area is Downtown Plattsburgh, and

**WHEREAS**, the proposed funding will assist in building improvements to downtown “main street” buildings, and

**WHEREAS**, building renovation funds from the 2011 Fall NY Main Street Program must be matched at a minimum 75/25 by the property owners therefore be it

**RESOLVED**, that the City of Plattsburgh supports the NY Main Street Program application for main street/downtown revitalization efforts and will make available building improvement and housing rehabilitation funds to match the Main Street program funds as needed.

By Councilor Jackson; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**8. TRAVEL REQUEST: None**

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Request from the Community Development Office for a Change Order to Project HOME-6-2009 at 5497 Peru Street (Gaito) in the total amount of \$3,365.
2. Request from City Engineer Kevin Farrington that the Mayor be authorized to sign agreement with Atlantic Testing Laboratories for Contract #2011-02 "Asbestos Consulting Services."
3. Request from City Engineer Kevin Farrington that the Mayor be authorized to sign agreement with LVI Environmental Services, Inc. for Contract #2011-03 "Mold Remediation."
4. Recommendation from City Engineer Kevin Farrington that Machabee Land Surveying be awarded Contract #2011-05 "Survey for Boynton Avenue" and the Mayor be authorized to sign the agreement for the total bid price of \$6065.00 to be funded from the 2010 Street Resurfacing Capital Project (H5110.30).
5. Request from Police Chief Desmond Racicot for two Police Officers to attend the "NY Tactical Training Conference and Expo" in Verona, NY from April 10 -14, 2011 at an estimated cost not to exceed \$1,753.00 and will be paid out of the Asset Forfeiture Fund (Treasury funds).
6. MAYOR HANDS DOWN THE PERMANENT APPOINTMENT OF KELLY SEXTON TO THE POSITION OF CITY HISTORIAN EFFECTIVE MARCH 25, 2011 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD.
7. Request from Police Chief Desmond Racicot for one Detective to attend the "Latent Print Processing-Level I Training" in Latham, NY from April 10 -15, 2011 at an estimated cost not to exceed \$796.00 and will be paid out of the Asset Forfeiture Fund (Treasury funds).

8. Request from Bill Treacy, Manager MLD to attend the “MEUA Semi-Annual Meeting” in East Syracuse, NY from April 26 - 28, 2011 at an estimated cost not to exceed \$415.00.

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**10. NEW BUSINESS: None**

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**11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**MEETING ADJOURNED: 5:50 pm**